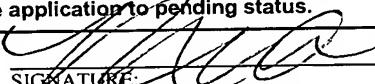


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|--|---|---|
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>  |   | ATTORNEY'S DOCKET NUMBER<br><b>HO-P03101US0</b>                     |
| INTERNATIONAL APPLICATION NO.<br><b>PCT/GB03/02469</b>   | INTERNATIONAL FILING DATE<br><b>6 June 2003</b> | U.S. APPLICATION NO. (if known, see 37 CFR 1.5)<br><b>10/517268</b> |
| TITLE OF INVENTION <b>MAMMALIAN ANIMAL COMPOSITION</b>   |   |   |
| APPLICANT(S) FOR DO/EO/US <b>Marie-Louise Baillon et al.</b>   |   |   |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  |   |   |
| <p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))</p> <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</p> |   |   |
| <b>Items 11 to 20 below concern document(s) or information included:</b>   |   |   |
| <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input checked="" type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: Search Report; Examination Report; Combined Search &amp; Examination Report; Deposit Receipt in respect of Micro-organism under Accession # NC1 MB41117; Postcard</p>   |   |   |

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|   |                               |                            |         |
|---|-------------------------------|----------------------------|---------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.6)   | INTERNATIONAL APPLICATION NO. | ATTORNEY'S DOCKET NUMBER   |         |
| <b>107517268</b>  | PCT/GB03/02469                | HO-P03101US0               |         |
| 21. <input checked="" type="checkbox"/> The following fees are submitted:   |                               | CALCULATIONS PTO USE ONLY  |         |
| <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) – (5)):</b>   |                               |                            |         |
| Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....   |                               | \$1110.00                  |         |
| International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....   |                               | \$950.00                   |         |
| International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....  |                               | \$790.00                   |         |
| International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4).....  |                               | \$750.00                   |         |
| International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4).....  |                               | \$100.00                   |         |
| <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>   |                               | \$ 950.00                  |         |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).   |                               | \$                         |         |
| CLAIMS  | NUMBER FILED                  | NUMBER EXTRA               | RATE    |
| Total claims  | 18-20 =                       | x                          | \$ 0.00 |
| Independent claims  | 3-3 =                         | x                          | \$ 0.00 |
| MULTIPLE DEPENDENT CLAIM(s) (if applicable)   |                               | +                          | \$      |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |                               | \$ 950.00                  |         |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.  |                               | \$                         |         |
| <b>SUBTOTAL =</b>   |                               | \$ 950.00                  |         |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).  |                               | \$                         |         |
| <b>TOTAL NATIONAL FEE =</b>   |                               | \$ 950.00                  |         |
| Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +   |                               | \$                         |         |
| <b>TOTAL FEES ENCLOSED =</b>  |                               | \$ 950.00                  |         |
|   |                               | Amount to be refunded:     | \$      |
|   |                               | Amount to be charged:      | \$      |
| <p>a. <input checked="" type="checkbox"/> A check in the amount of \$ 950.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-2375. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> |                               |                            |         |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.   |                               |                            |         |
| SEND ALL CORRESPONDENCE TO:   |                               |                            |         |
| <br>SIGNATURE: _____<br>Melissa W. Acosta   |                               |                            |         |
| NAME: _____   |                               |                            |         |
| CUSTOMER NUMBER: 26271  |                               | 45,872                     |         |
|   |                               | REGISTRATION NUMBER: _____ |         |

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

Mars Incorporated  
6885 Elm Street  
Virginia 22101  
USA

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITORY AUTHORITY  
identified at the bottom of this page

NAME AND ADDRESS  
OF DEPOSITOR

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the  
DEPOSITOR:

*Lactobacillus acidophilus WAL ML1*

Accession number given by the  
INTERNATIONAL DEPOSITORY AUTHORITY:

NCIMB 41117

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

a scientific description  
 a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depository Authority accepts the microorganism identified under I above, which was received by it on  
10 October 2001 (date of the original deposit)<sup>1</sup>

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International Depository Authority on  
(date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it  
on  
(date of receipt of request for conversion)

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: NCIMB Ltd.,

Signature(s) of person(s) having the power to represent the  
International Depository Authority or of authorised  
official(s):



Date: 13 November 2001

Address: 23 St Machar Drive,  
Aberdeen,  
AB24 3RY,  
Scotland.

<sup>1</sup> Where Rule 6/4(d) applies, such date is the date on which the status of International Depository Authority was acquired.

10/517268

Application No. (if known): Not Yet Assigned

Attorney Docket No.: HO-P03101US0

**Certificate of Express Mailing Under 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. ER147056464US in an envelope addressed to:

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on December 6, 2004  
Date

Staci V. Harris

Signature

Staci Harris

Typed or printed name of person signing Certificate

Registration Number, if applicable

(713) 651-5273

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Application Data Sheet (2 pages)  
Search Report; Examination Report under Section 18(3); Combined Search & Examination Report; Return Receipt Postcard  
Copy of the International application  
Information Disclosure Statement  
Preliminary Amendment  
Substitute specification  
Transmittal Letter to the United States Designated-Elected Office  
Check in the amount of \$950.00

10/517268

Application No. (if known): Not Yet Assigned

Attorney Docket No.: HO-P03101US0

**Certificate of Express Mailing Under 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. ER 147056464 US in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on December 6, 2004  
Date

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Signature

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Staci Harris

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Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

IDS (Citation) by Applicant